

# EXHIBIT 2

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
By: Richard F. Engel, DAG  
Richard J. Hughes Justice Complex  
25 Market Street  
P.O. Box 093  
Trenton, NJ 08625-0093  
Tel: (609) 984-4863

KANNER & WHITELEY, L.L.C.  
By: Allan Kanner, Esq.  
Elizabeth B. Petersen, Esq.  
Special Counsel  
to the Attorney General  
701 Camp Street  
New Orleans, LA 70130  
Tel: (504) 524-5777

NAGEL RICE, LLP  
By: Bruce H. Nagel, Esq.  
Wayne D. Greenstone, Esq.  
Special Counsel  
to the Attorney General  
103 Eisenhower Parkway  
Roseland, NJ 07068  
Tel: (973) 618-0400

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Superior Court of New Jersey

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CIVIL CASE MANAGEMENT  
UNION COUNTY  
ATTORNEYS FOR PLAINTIFFS

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NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION and  
ADMINISTRATOR, NEW JERSEY  
SPILL COMPENSATION FUND,

Plaintiffs,

v.

EXXON MOBIL CORPORATION,

Defendant.

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SUPERIOR COURT OF NEW JERSEY  
DIVISION - HUDSON COUNTY  
DOCKET NO. L-4415-04

consolidated with

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - UNION COUNTY  
DOCKET NO. L-3026-04 LAW

Civil Action

FIRST AMENDED COMPLAINT  
(Bayway)

Plaintiffs New Jersey Department of Environmental Protection  
("DEP"), and the Administrator of the New Jersey Spill Compensation  
Fund ("Administrator") (collectively, "the Plaintiffs"), having

SECOND COUNT

Public Nuisance

34. Plaintiffs repeat each allegation of Paragraphs 1 through 33 above as though fully set forth in its entirety herein.

35. Groundwater is a natural resource of the State held in trust by the State.

36. The use, enjoyment and existence of uncontaminated natural resources is a right common to the general public.

37. The contamination of groundwater at the Site constitutes a physical invasion of public property and an unreasonable and substantial interference, both actual and potential, with the exercise of the public's common right to this natural resource.

38. As long as groundwater remains contaminated due to the Defendant's conduct, the public nuisance continues.

39. Until the groundwater is restored to its pre-injury quality, the Defendant is liable for the creation, and continued maintenance, of a public nuisance in contravention of the public's common right to clean groundwater.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs DEP and Administrator pray that this Court:

- a. Order the Defendant to reimburse the Plaintiffs for all cleanup and removal costs and damages, including